

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 99-0020

Use Tax

Calendar Years 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, and 1997

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ISSUE(S)

I. **Use Tax** – Taxable purchases

Authority: 45 IAC 2.2-3-20

Taxpayer protests the assessment of use tax on items that have not had sales tax assessed and paid.

STATEMENT OF FACTS

The audit investigation limited itself to the filing of ST-115 for the purchase of publications and subscriptions. Taxpayer consumed the items in his legal practice at an office located in Indiana. Taxpayer did not report use tax to Indiana on his IT-40 Individual Income Tax Returns. Taxpayer is not required to be registered for Sales Tax.

In letters dated November 8, 1999 and December 13, 1999, the department asked the taxpayer to provide a written brief regarding his objections to the audit to which the taxpayer responded that he had been trying to get a payment plan since 1992. No further response was forthcoming. On March 21, 2000, the Department scheduled a hearing for April 26, 2000 that the taxpayer cancelled. On April 27, 2000, the Department wrote the taxpayer to allow him the option of choosing the date and time of hearing. The taxpayer called and stated he needed to go into the hospital. No further contact was made from the taxpayer or the Department.

In reviewing the audit file, it is clear that the only issue is for publications and subscriptions that had no sales tax paid. Taxpayer did not self-assess use tax for those publications.

I. **Use Tax** – Taxable purchases

DISCUSSION

At audit taxpayer was assessed use tax for publications and subscriptions that did not include sales tax or were not self-assessed use tax.

Taxpayer has not provided the department with proof that the audit is in error.

FINDING

Taxpayer's protest is respectfully denied.

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